

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated October 4, 2005. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-8 were pending in this application. Claims 9-19 are added by this amendment. Claims 1, 8 and 9 are independent claims. The specification and Claim 6 is amended herein to correct typographic errors noted upon review of the specification and Claim 6. No new matter is added by these amendments to the specification and claims and the addition of Claims 9-19. The claims were not amended in order to address issues of patentability and the Applicant respectfully reserves all rights under the Doctrine of Equivalents.

Claims 1-8 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,809,139 to Girod ("Girod").

Girod shows a system for watermarking an information signal. In operation, blocks of DCT coefficients of the watermark are added to blocks of DCT coefficients of the information signal (see, FIG. 2A and Col. 6, lines 27-39). Girod further shows that "the

coefficients of the watermark are added to the video data coefficients [e.g., information signal] only if doing so does not require a greater number of bits to encode the coefficients." (See, Col. 6, lines 40-43). In other words, portions of the information signal are only watermarked "[I]f the number of bits used to encode a coefficient of the watermarked signal is equal to, or less than, the number of bits used to encode the corresponding coefficient of the unwatermarked signal ..." (See, Col. 2, lines 41-44.)

The method of Claim 1 is not anticipated or made obvious by the teachings of Girod. For example, Girod does disclose or suggest, an method that amongst other patentable elements, comprises (illustrative emphasis provided) "the step of modifying signal samples in accordance with a watermark pattern, wherein said modifying step is applied to signal samples if the modified signal sample assumes the first value due to said modification, and wherein said modifying step is not applied to signal samples if the modified signal sample does not assume the first value due to said modification" as required by Claim 1, and as substantially required by each of Claims 8 and 9. Girod is silent on at least this.

Based on the foregoing, the Applicants respectfully submit that independent Claims 1, 8 and 9 are patentable over Girod and notice to this effect is earnestly solicited. Claims 2-7 and 10-19 respectively depend from one of Claims 1 and 9 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due for entrance of the accompanying amendment. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to

Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450

On January 4, 2006
(Date of Mailing)

By Gregory L. Thorne
(Mailing party)